

REMARKS

Claims 1-18 are pending in the application. Please cancel claims 1-15 and add new claims 19-20. Reconsideration of claims 16-20 is respectfully requested.

Claims 16-18 were rejected under 35 U.S.C. 102(b) as being anticipated by *Urano et al.* It should be noted that to be anticipated the reference must provide the same disclosure as claimed by the invention. The cited *Urano et al* reference first of all has nothing to do with enhancing biofungicidal activity of a microbial agent. Rather, the *Urano et al* reference is concerned with controlling soil-borne diseases with a composition that contains **chitin and crushed limestone or dolomite as integral parts** of the composition. In contrast, the present invention discloses a nutrient formulation that comprises a surfactant, a preservative, plant nutrients and optionally a biosupplement, and has the unique property of enhancing biofungicidal activity of the used microbial agent.

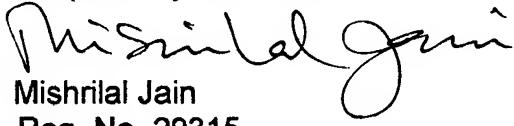
Citing "chitin" from the *Urano et al* composition, the Examiner asserts that "chitin" is "at least a surfactant and could be considered a plant nutrient, preservative and/or biosupplement..." It is respectfully noted that chitin is a hard/tough, resistant, nitrogen-containing complex polysaccharide constituent of the exoskeleton of arthropods and many fungi and there is nothing in the literature that the applicant can find which suggests that chitin is a surfactant or a plant nutrient, preservative or a biosupplement as these terms of art are understood by a skilled artisan to which this invention belongs. It is further noted that the applicant can be its own lexicographer and the terms such as "enhancing biofungicidal activity" and "biosupplement" have been particularly defined in the specification on page 4 thereof. Furthermore, as defined in claim 17 the nutrient formulation is a composite of at least three constituents (i.e., a surfactant, a plant nutrient and a preservative; a biosupplement being an optional ingredient). Hence, even if *arguendo* chitin is considered a "surfactant" as asserted by the Examiner, the reference fails to meet the requirements of the instant claims. In short, *Urano et al* does not anticipate what is claimed in the instant application and the rejection over *Urano et al* under 35 U.S.C. 102(b) is inapplicable and should be withdrawn.

Claims 16-18 were further rejected under 35 U.S.C. 102(b) as being anticipated by *Handelsman et al.* This rejection is respectfully traversed. It should be noted that *Handelsman et al* reference discloses a method for enhancing nodulation in legumes using *Bacillus cereus* and enhancing mutants thereof. In contrast the present invention is concerned with enhancing the biofungicidal activity of a microbial agent with a specific nutrient formulation comprising at least three constituents, i.e., a surfactant, a plant nutrient and a preservative, which the reference does not disclose. In short, there is nothing in the cited reference which anticipates, i.e., discloses the same invention as claimed in the instant application. Hence, this rejection under 35 U.S.C. 102(b) is inapplicable and should now be withdrawn.

Claims 16-18 were further rejected under second paragraph of 35 U.S.C 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims have been amended and it is believed that the amended claims obviate this rejection. It may be pointed out that the language of claim 17 leaves no room for speculation whether only one or more ingredients are constituents of the nutrient formulation. The claim categorically specifies that at least three ingredients, i.e., a surfactant, a plant nutrient and a preservative must be present in the nutrient formulation. Of course, the reference does not disclose such a nutrient formulation.

In light of the above, the claims are now believed to be in condition for allowance and favorable action accordingly is earnestly solicited. Should there still remain any outstanding issues, a phone call is invited from the Examiner to resolve the same.

Respectfully submitted,


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February 17, 2004